

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of :

Andreas Rosenthal et al.

Group Art Unit: 1645

Serial No.: 09/930,213

Examiner: Unassigned

Filed: January 31, 2001

For: DETECTION OF DIFFERENTIAL GENE EXPRESSIONS

**PRELIMINARY AMENDMENT**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to initial examination, please amend the above-identified application as follows:

**IN THE CLAIMS:***Please amend the claims as follows:*

3. (Amended) The nucleic acid according to claim 1, wherein said normal cells are 208F rat fibroblasts.
4. (Amended) The nucleic acid according to claim 1, wherein said nucleic acid shows on enhanced expression in a Ras-transformed cell line in comparison to a non-transformed cell line or is expressed *de novo* in a Ras-transformed cell line.
5. (Amended) The nucleic acid according to claim 1, wherein the expression of said nucleic acid in Ras-transformed cells is adjusted down.
12. (Amended) The nucleic acid according to claim 1, wherein said nucleic acid has homology to human sequences, especially human ESTs or EST clusters.

16. (Amended) The nucleic acid according to claim 1, wherein said nucleic acid is arranged as an oligonucleotide or as cDNA on an array.

17. (Amended) A method for diagnosing tumor cells comprising assaying differential expression of a nucleic acid according to claim 1.

19. (Amended) The method according to claim 17, wherein the expression of said nucleic acid is modulated.

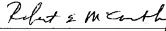
22. (Amended) The method according to claim 17, wherein the amount and/or localization of the polypeptide that is encoded by said nucleic acid is modulated.

**REMARKS**

The amendments to the claims are being made to simply remove multiple dependencies of the claims.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Robert E. McCarthy Reg. No. 46,044  
Representative Capacity

Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicants  
*MILLEN, WHITE, ZELANO & BRANIGAN, P.C.*  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 812-5322  
Facsimile: (703) 243-6410

Attorney Docket No.: ALBRE-14

Date filed: April 26, 2002

**VERSION WITH MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS:**

*Please amend the claims as follows:*

3. (Amended) The nucleic Nucleie acid according to claim 1 [or 2], wherein ~~the said~~ normal cells are ~~selected from~~ 208F rat fibroblasts.

4. (Amended) The nucleic Nucleie acid according to [one of claims 1 to 3] claim 1, wherein ~~it shows an~~ said nucleic acid shows on enhanced expression in a Ras-transformed cell line in comparison to a non-transformed cell line or is expressed *de novo* in a Ras-transformed cell line.

5. (Amended) The nucleic Nucleie acid according to [one of claims 1 to 4] claim 1, wherein ~~its~~ the expression of said nucleic acid in Ras-transformed cells is adjusted down.

12. (Amended) The nucleic Nucleie acid according to [one of claims 1 to 11] claim 1, wherein said nucleic acid it has a homology to human sequences, especially human EST's or EST clusters.

16. (Amended) The nucleic Nucleie acid according to [one of claims 1 to 15] claim 1, wherein it is said nucleic acid is arranged as an oligonucleotide or as cDNA on an array.

17. (Amended) A method for diagnosing tumor cells comprising assaying differential expression Use of a nucleic acid according to [one of claims 1 to 16] claim 1 ~~or a coded polypeptide thereof as a target for diagnostic or therapeutic purposes.~~

19. (Amended) Use The method according to claim 17 [or 18], wherein the expression of said nucleic acid is modulated.

22. (Amended) Use The method according to claim 17 [or 18], wherein the amount and/or localization of the polypeptide that is encoded ~~eoded~~ by said ~~the~~ nucleic acid is modulated.